

Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY) would each vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—94

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	Mikulski
Allen	Dorgan	Miller
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Boxer	Frist	Reed
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Voinovich
Craig	Levin	Warner
Crapo	Lieberman	Wyden
Daschle	Lincoln	
Dayton	Lott	

NOT VOTING—6

Domenici	Graham (FL)	Landrieu
Edwards	Kerry	McConnell

The resolution (S. Res. 71), as amended, was agreed to, as follows:

S. RES. 71

Whereas a 3-judge panel of the Ninth Circuit Court of Appeals has ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause when recited voluntarily by students in public schools;

Whereas the Ninth Circuit has voted not to have the full court, en banc, reconsider the decision of the panel in *Newdow*;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government establishing a religion;

Whereas the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and first published in the September 8, 1892, issue of the *Youth's Companion*;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for almost 50 years included references to the United States flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in

Newdow, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved, That the Senate—

(1) strongly disapproves of a decision by a panel of the Ninth Circuit in *Newdow*, and the decision of the full court not to reconsider this case en banc; and

(2) authorizes and instructs the Senate Legal Counsel again to seek to intervene in the case to defend the constitutionality of the words "under God" in the Pledge, and, if unable to intervene, to file an amicus curiae brief in support of the continuing constitutionality of the words "under God" in the Pledge.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized for 5 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

THE CITY OF CHICAGO AND SIS DALEY

Mr. DURBIN. Mr. President, today marks the 166th birthday of the city of Chicago, and it would have been the 96th birthday of a great Chicago legend, Eleanor "Sis" Daley. I would like to talk about each briefly.

On March 4, 1837, Chicago was incorporated as a city with a population of 4,170 by the Illinois State Legislature. Today, Chicago is one of our Nation's largest and most vibrant cities, with 2.9 million residents, and it remains a vital center of business, finance, education, the arts, sports, and tourism.

Chicago's early history is a great American story of a great city, from Father Marquette to du Sable, a Haitian immigrant, in the 17th and 18th centuries, to Fort Dearborn, Northwestern University, Abraham Lincoln's Presidential nomination, the Chicago fire, and the World's Columbian Exposition in the 19th century.

In fact, "City of The Century," a book and a documentary, detailed this city's humble beginnings and chronicled the development of the "city that works." Chicago's modern history is synonymous with one family, the Daley family. Mayor Richard J. Daley was elected a record six consecutive terms and served 21 years in city hall. His son, Richard M. Daley, was re-elected Chicago mayor last week and will shortly begin his 15th year in office. A Daley has been mayor of Chicago for 34 of the past 50 years.

The family glue was well-known to be Eleanor "Sis" Daley, the current mayor's mother and the wife of the former mayor for over 40 years. Today would have marked Sis Daley's 96th birthday. She shared a birthday with the city of Chicago. Sadly, Sis Daley passed away in her Bridgeport home on February 16, leaving behind 6 surviving children—Mayor Richard M. Daley, former U.S. Commerce Department Secretary Bill Daley, Cook County Commissioner John Daley, and Michael, Patricia, and Mary Carol; in addition, 20 grandchildren, including John Daley, a member of my Governmental Affairs Committee staff; a number of great grandchildren, and many admirers.

Much has been said and written about Sis Daley in recent weeks, a devoted mother, a loyal fan of the Chicago White Sox. She was really devoted to her family more than anything. She raised all seven kids in what was originally a bungalow in Bridgeport, a section of Chicago which was built by her and her husband in 1939. During her husband's first election night victory in 1955, the mayor-elect and his wife Sis abruptly ended the celebration party, packed up the kids, and headed home at 10:15 and said, it is bedtime at the Daley home.

Sis Daley was not afraid to speak her mind when it was necessary. When an unflattering book about her husband appeared in a local grocery store in 1971, she was offended and she asked the store manager to remove it, after she turned around the book so people could not read the cover. He and the entire chain removed it, but not before it became a national story, bringing a lot more money to the author, but Sis Daley had stood up for her family, as she did every single day.

In 1972, she very publicly appealed for the restoration of the main Chicago library building, an 83-year-old structure targeted for demolition by the mayor, her husband. The building was saved, and today it serves as the Chicago Cultural Center. She greeted queens and presidents, politicians and stars, never forgetting where she came from.

The last time I saw her was with her son Bill Daley, at a little gathering for Hillary Clinton in the city of Chicago. It was great to see that warm Irish smile on her face. In turn, Eleanor "Sis" Daley will never be forgotten in Chicago and in the hearts and minds of her family and those who knew her. It is fitting that the city of Chicago shares its birthday with Sis Daley.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Kansas.

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.